

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 18-57335

ALEX PETTWAY, and  
BRENDA PETTWAY,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING THE DEBTORS' MOTION TO EXTEND THE AUTOMATIC STAY**

This case is before the Court on a motion filed on January 28, 2019 by the Debtors, entitled "Motion to Extend the Automatic Stay of Proceedings" (Docket # 19, the "Motion"). The Court must deny the Motion, because it was not timely filed, and was filed too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, LBR 4001-4(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within seven days after the bankruptcy petition is filed. LBR 4001-4(a) provides further: "When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law."

The Debtors filed their voluntary petition for relief under Chapter 7 in this case on December 31, 2018. The Debtors did not file their Motion until January 28, 2019, which was 21 days after the deadline to file such a motion expired under LBR 4001-4(a), and only two days before the 30-day hearing deadline will expire on January 30, 2019. Because it is now

impossible to schedule and complete a hearing on the Motion within the required 30-day period, and give adequate notice of that hearing to creditors, the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 19) is denied.

**Signed on January 29, 2019**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**